

REMARKS

By this paper, claim 26 has been amended. Claims 26, 27 and 30-37 are pending.

In the outstanding final Office action dated October 24, 2003, all claims were rejected under 35 U.S.C. § 112, second paragraph in view of the recitation of the phrase "attaching devices." Accordingly, independent claim 26 has been amended to replace the term "attaching" with "leg support." As such, it is believed that each of the pending claims now satisfy the requirements of § 112.

Additionally, in the outstanding final Office action, the specification was objected to in view of the recitation of "attaching devices" in claim 26. It is to be noted that original claim 26 included the recitation of "attaching devices" and therefore there is believed to be sufficient support in the original specification for the recitation of the same. Nevertheless, claim 26 has been amended to traverse the § 112 rejection and consequently, obviates the objection to the specification.

Additionally, in the outstanding final Office action, claims 26, 27, 31-34 and 37 were rejected under 35 U.S.C. § 102(b) as being anticipated by Fogarty et al. (U.S. 5,769,882). In so rejecting the claims under § 102(b), the Examiner stated that the new limitation "the second element having a second element support structure attached prior to placement of the second element in the aorta" could be interpreted as a stent of item P of Fogarty et al. or in the alternative, it was suggested by the Examiner that the same could be interpreted as a self-expanding mechanical assembly of sleeve 150. Moreover, claim 30 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fogarty et al. in view of Leonhardt et al. (U.S. 5,713,917) and claims 35 and 36 were rejected under § 103(a) as being unpatentable over Fogarty in view of Lazarus (U.S. 5,104,399).

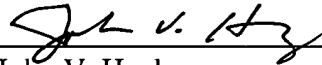
It is respectfully submitted, however, that the Examiner overlooked a key limitation recited in the rejected claims. Significantly, independent claim 26 requires that the second element has a second element support structure attached thereto prior to placement of the second element in an aorta as well as requires configuring the second element support structure to fixate the second element superior to renal arteries. Accordingly, it is respectfully submitted that the Fogarty et al. reference does not teach the subject matter recited in the pending claims. That is, should the recited second element support structure be interpreted as a stent of P of Fogarty et al., there is no stent of P which is attached thereto prior to placement of P within vasculature which is configured to fixate P superior to renal arteries. Additionally, sleeve 150 of Fogarty is also lacking in that it does not define structure which fixates superior to renal arteries as well as is attached to a first bifurcated element, as is recited in the claims. Accordingly, it is respectfully submitted that each of the pending claims define patentable subject matter.

CONCLUSION

Applicant has attempted to completely respond to the rejections set forth in the outstanding Office action. In view of the above amendments and remarks, Applicant respectfully requests that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

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